

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MYRON BASS, ET AL.,)	
)	
Plaintiffs,)	
)	
VS.)	No. 13-2882-JDT-tmp
)	
TOM LEATHERWOOD, ET AL.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE

Plaintiffs filed a *pro se* civil complaint on November 12, 2013, against various Defendants. (ECF No. 1.) Several Defendants filed motions to dismiss for failure to state a claim (ECF Nos. 13, 15, 21, 24 & 26), and Plaintiffs filed a motion to amend (ECF No. 31). United States Magistrate Judge Tu M. Pham issued a Report and Recommendation (“R&R”) on July 21, 2014, in which he recommended granting the motions to dismiss and denying Plaintiffs’ motion to amend. (ECF No. 64.) On August 4, 2014, Plaintiffs filed objections to the R&R (ECF No. 66 & 67) and another motion to amend (ECF No. 65). The Court denied leave to amend and adopted the Magistrate Judge’s R&R in its entirety on August 13, 2014. (ECF No. 72.)

On August 5, 2014, Defendants Arnold Weiss and Weiss Spicer Cash, PLLC (collectively, “Weiss”), also filed a motion to dismiss. (ECF Nos. 69 & 70.) Plaintiffs filed a response on August 14, 2014. (ECF No. 73.) Magistrate Judge Pham issued an R&R on August 18, 2014, recommending the motion be granted (ECF No. 74), and Plaintiffs filed objections (ECF No. 76).

The Court has fully reviewed those objections and finds them to be without merit. Therefore, the R&R is ADOPTED, and Weiss's motion to dismiss is GRANTED.

Although there are several unserved Defendants in this case,¹ the allegations against them are subject to dismissal for the same reasons stated by the Magistrate Judge, and "it would be futile and an uneconomical use of judicial resources to conduct further proceedings." *Martin v. Kazulkina*, No. 12-CV-14286-DT, 2013 WL 3835197, at *1 (E.D. Mich. 2013); *see also Bragg v. Corizon Corp.*, No. 1:12cv917, 2013 WL 3730093, at *4-*5 (W.D. Mich. July 15, 2013); *Blake v. McCormick*, No. 5:06-cv-273, 2007 WL 1671732, at *5 (E.D. Tex. June 8, 2007). As the Magistrate Judge pointed out (ECF No. 64 at 12), Plaintiffs have conceded that their original pleadings fail to state a claim (ECF No. 31 at 2 ("Because of the inexperience of the *pro se* Plaintiffs the Plaintiffs' original and amended complaints fail to properly allege civil RICO and Civil Rights violations.")). Furthermore, Plaintiffs' motions to amend their complaint have been denied. Therefore, for the reasons set forth in the Magistrate Judge's R&R entered on July 21, 2014, the Court DISMISSES the claims against all of the remaining Defendants.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ For each company Plaintiffs sued, they also sued at least one named individual such as the Chief Executive Officer or Chief Financial Officer, who are all sued "in their official and individual capacities." (ECF No. 1 at 1-2.) However, for most of those individuals, there is no acknowledgement in the record that they personally received the summons and complaint. In any event, even if the remaining Defendants had been served, Plaintiffs did not seek entry of default.